

POLLOCK | COHEN LLP

60 BROAD STREET, 24TH FLOOR  
NEW YORK, NEW YORK 10004  
(212) 337-5361

CONTACT:

Raphael Janove  
Rafi@PollockCohen.com  
(215) 667-8607

---

November 19, 2021

Judge Victor Marrero  
United State District Judge  
Southern District of New York  
500 Pearl Street, Suite 1610  
New York, NY 10007

Re: *KDH Consulting Group, LLC v. Iterative Capital Management, L.P.*, et al,  
20-cv-3274

Dear Judge Marrero:

The Parties write to request an extension of the Court's remaining deadlines, as reflected in the attached Second Amended Case Management Order, enclosed as Exhibit A. The current cutoff for fact discovery is November 24, 2021. The Parties request to extend that to February 4, 2021.

This is the Parties' second request for an extension of the Court-ordered deadlines. Since then, the Parties have continued to engage in discovery, including document production and ongoing conferences.

The Parties ask for additional time to accommodate (1) briefing schedules in the action Plaintiff filed against Defendants in Delaware (No. 2021-0868 (Del. Ch.)), (2) deposition scheduling, and (3) Plaintiff's continuing attempts to secure third-party discovery.

Accordingly, the Parties agree that such an extension is appropriate.

Respectfully submitted,

/s/ Raphael Janove

Adam Pollock

Raphael Janove

**Pollock Cohen LLP**

60 Broad Street, 24th Fl.

New York, NY 10004

Hon. Victor Marrero  
November 19, 2021  
Page 2 of 2

Telephone: (212) 337-5361  
Adam@PollockCohen.com  
Rafi@PollockCohen.com  
*Attorneys for Plaintiff*

/s/ Julia R. Livingston  
Robert J. Boller  
Lawrence Gerschwer  
Julia R. Livingston  
**BARNES & THORNBURG LLP**  
445 Park Avenue Suite 700  
New York, NY 10022  
Telephone: (646) 746-2020  
rboller@btlaw.com  
lgerschwer@btlaw.com  
jlivingston@btlaw.com  
*Attorneys for Defendants*

Enclosures

# Exhibit A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KDH CONSULTING GROUP LLC, directly  
and derivatively on behalf of  
ITERATIVE CAPITAL, L.P.,

Plaintiff,

v.

ITERATIVE CAPITAL MANAGEMENT L.P.,  
ITERATIVE CAPITAL GP, LLC, ITERATIVE  
OTC, LLC (d/b/a "I2 TRADING" and  
"ESCHER"), ITERATIVE MINING, LLC,  
BRANDON BUCHANAN, and  
CHRISTOPHER DANNEN,

Defendants.

20 Civ. 3274 (VM)

**Second Amended**  
**Case Management Order**

This Court's May 5, 2021, Case Management Order, ECF No. 75, remains in effect, except the remaining deadlines are amended as follows:

1. All fact discovery is to be completed by: **February 4, 2021.**
2. Depositions to be completed by: **February 4, 2021.**
3. All expert discovery (ordinarily conducted following the completion of fact discovery) including parties' expert reports and depositions, witness lists and identification of documents pursuant to Fed. R. Civ. P. 26(a)(2), (3) and 35(b), is to be completed by:
  - a. Plaintiff: **[2 months from end of fact discovery]**
  - b. Defendant: **[3 months from end of fact discovery]**

---

TO BE COMPLETED BY THE COURT:

4. The next Case Management Conference is scheduled for:

In the event the case is to proceed to trial, a firm trial date and the deadline for submission of the Joint Pretrial Order and related documents shall be scheduled at the pretrial conference following either the completion of all discovery or the Court's ruling on any dispositive motion.

The Joint Pretrial Order should be prepared in accordance with Judge Marrero's Individual Practices. If this action is to be tried before a jury, proposed voir dire and jury instructions shall be filed with the Joint Pretrial Order. No motion for summary judgment shall be served after the deadline fixed for the Joint Pretrial Order.

**SO ORDERED:**

DATED: New York, New York

\_\_\_\_\_, 2021

---

VICTOR MARRERO,  
U.S.D.J